S.B.CRIMINAL MISC. BAIL APPLICATION NO.4591/2006

Date : 03.11.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Vinod Sharma for the applicant.
Mr. V.R. Mehta, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that the applicant has been falsely implicated in this case as name of applicant is Ahsaan whereas the person who was accused is one Ash Mohammed. He submits that present applicant is brother of Ash Mohammed, therefore by using word 'alias' the applicant has been involved in this case, therefore, his case for bail may be considered.

Learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me.

It appears that accused was absconding and conviction was recorded against other accused after trial. The file further reveals that some inquiry was made in relation to present applicant before filing charge-sheet and the impugned order passed by the learned Sessions Judge makes a mention that the factum of present applicant being the same is matter of evidence and this can be verified by the evidence of complainant in this case, therefore considering this aspect of the matter, I deem it proper to pass following order :

The learned trial court shall expedite the trial and shall record statement of the complainant in preference. After recording of statement of the complainant the applicant shall be free to move regular bail application before the learned trial court and if any such application is moved, then, the learned trial court shall decide the same in accordance with law. It is expected from the learned trial court to give preference to this case over other case.

The bail application stands dismissed.

(SATYA PRAKASH PATHAK), J.

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